

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRILLIANT DPI INC.,

Plaintiff,

v.

Case No. 18-CV-799

KONICA MINOLTA BUSINESS SOLUTIONS, U.S.A., INC., et al.,

Defendants.

ORDER

On March 3, 2022, the court granted the parties' stipulated motion for dismissal and dismissed this action. In doing so, the court stated, "Pursuant to the terms of the Settlement Agreement between the parties, CIT Technology Financing Services, Inc. (n/k/a CIT Technology Financing Services, LLC) shall have the right to reopen this action and obtain entry of a stipulated judgment (as defined in paragraphs 2-3 of the Settlement Agreement)." (ECF No. 136.)

On August 23, 2023, CIT Technology Financing Services, LLC filed a motion alleging that Brilliant DPI breached the settlement agreement by failing to make monthly payments. That assertion was not supported by any affidavit or other

evidence. CIT also asks the court to reopen the case and substitute it for its predecessor, CIT Technology Financing Services, Inc.

Attorney George S. Peek concurrently filed a motion to withdraw as counsel for Brilliant DPI. (ECF No. 139.) Counsel's motion was unnecessary because multiple attorneys have appeared on behalf of Brilliant DPI and at least one of those attorneys—Attorney Andrew R. Rider—will continue to represent the plaintiff. *See* Civ. L.R. 7.1(e)(1). Nonetheless, the motion is **granted**.

Brilliant DPI shall respond to the motion to reopen no later than **September 13, 2023**. Any reply shall be filed no later than **September 27, 2023**.

Further, before the court can substitute CIT Technology Financing Services, LLC for CIT Technology Financing Services, Inc. and reopen the case, the court must confirm that it has jurisdiction. Because the action is before the court on diversity of citizenship, 28 U.S.C. § 1332, the court must confirm that complete diversity exists between the parties. Therefore, no later than **September 13, 2023**, CIT Technology Financing Services, LLC shall file a statement establishing the citizenship of CIT Technology Financing Services, LLC.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 24th day of August, 2023.


WILLIAM E. DUFFIN
U.S. Magistrate Judge